

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE CITY OF BLAINE, *et al.*,

Plaintiffs,

v.

GOLDER ASSOCIATES, INC., *et al.*,

Defendants.

No. C03-0813RSL

ORDER GRANTING IN PART
PLAINTIFFS' MOTION IN LIMINE
REGARDING INSOLVENT INSURERS

This matter comes before the Court on "Plaintiffs' Motion in Limine Regarding:

(1) Whether Defendants Have Insurance; (2) Whether Defendants' Insurer is Bankrupt;

(3) Whether the Washington Insurance Guaranty Act Bars Recovery to Any Plaintiffs." Dkt.

329.¹ In the first phase of this litigation, defendants do not intend to place before the jury any

evidence regarding the availability of insurance, the status of defendants' insurers, or the

applicability of RCW 48.32.030. To that extent, plaintiff's motion in limine is GRANTED.

Plaintiffs did not, however, make a timely motion for summary judgment regarding the effect of

the Washington Insurance Guaranty Act in the circumstances presented here. That issue remains

in the case and, assuming defendants have discovered and properly disclosed additional relevant

¹ This matter can be decided on the papers submitted by the parties. Plaintiffs' request for oral argument is DENIED.

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1 evidence, may be addressed through post-trial motions.

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3 For all of the foregoing reasons, plaintiffs' motion in limine regarding the
4 availability of insurance, the status of defendants' insurer, and the applicability of RCW
5 48.32.030 is GRANTED without prejudice to defendants' ability to file a post-trial motion on
6 the last issue.

7 DATED this 12th day of May, 2006.

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11 Robert S. Lasnik
12 United States District Judge
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